

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION**

DON ROBERT FAIRCLOTH,

Plaintiff,

v.

Dr. THOMAS "TOM" FERRELL,

Defendant.

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CIVIL ACTION NO.: CV511-016

ORDER

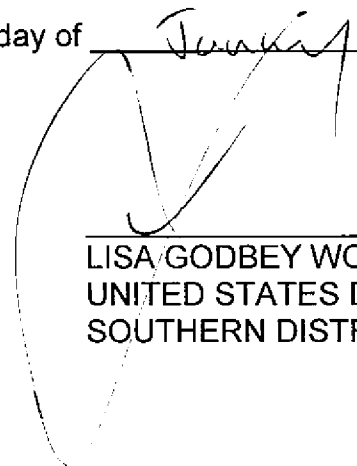
After an independent and *de novo* review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, to which Objections have been filed. Defendant filed a Response to Plaintiff's Objections, and Plaintiff filed a Reply. In his Objections, Plaintiff asserts he has exhausted all of his administrative remedies, and, if he admitted that he had not done so, it was in error. Plaintiff alleges that he can and will show the Court that he has exhausted his administrative remedies.

Despite Plaintiff's assertions, he has failed to present the Court with any evidence that he exhausted his available administrative remedies prior to the filing of this cause of action. Plaintiff's assertions are in direct contrast with the evidence actually before the Court, which reveals that Plaintiff failed to exhaust his administrative remedies before he filed his Complaint.

Plaintiff's Objections are **overruled**. Defendant's Motion to Dismiss is **GRANTED**. Plaintiff's Complaint is **DISMISSED**, without prejudice, based on Plaintiff's

failure to exhaust his administrative remedies prior to filing this cause of action. Plaintiff's attempt to reinstate a previously dismissed individual is **DISMISSED** as moot. The Clerk of Court is directed to enter the appropriate judgment of dismissal.

SO ORDERED, this 11 day of January, 2012.



LISA GODBEY WOOD, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA